



Licensing Policies

I. Introduction

The licensing policies have been reevaluated, reorganized and condensed during the first phase of the Resource Guide project. This document is a collection of standalone licensing policies that may or may not relate to one another. Some repetition may occur where relevant components apply to different policies. No substantive changes have been made to these policies that have not already been approved.

Each policy supersedes all previous versions and will take effect on the date of signature.

II. Statements of Policy

A. Driver License, Generally

An individual may not operate a motor vehicle on a public street or highway unless he or she holds a valid driver license of the class and type appropriate to the vehicle. A license holder may not possess more than one valid license.

The appearance of and the information on a driver license may vary due to the:

- Type of license
- Age of the applicant
- Organ donor status
- Veteran status
- Medical and emergency information

B. Classes of Driver License

License classification is determined by:

- The type of vehicle
- Vehicle gross weight rating (GVWR) or the towed vehicle gross combination weight rating (GCWR)
- The number of passengers the vehicle can hold
- Whether the vehicle is used for personal or commercial use

There are 4 classes of license in Texas. The holder may drive any vehicle under that class of license or a lesser class (except for motorcycles and mopeds).

Class A

- GVWR of 26,001 pounds or more or
- Combination of vehicles with a GCWR of 26,001 pounds or more, as long as the GVWR of the towed vehicle is more than 10,000 pounds.

Class B

- GVWR of more than 26,000 pounds;
- GVWR of 26,000 pounds or more towing:
 - A vehicle, other than a farm trailer, with a GVWR that is not more than 10,000 pounds or
 - A farm trailer with a GVWR that is not more than 20,000 pounds; and
- A bus with a seating capacity of 24 passengers or more, including the driver.

Class C

- Vehicle or combination of vehicles not falling under Class A or B and
- Vehicle with a GVWR of less than 26,001 pounds towing a farm trailer with a GVWR no more than 20,000 pounds.

Class M

- Allows the holder to drive a motorcycle or moped;
- Requires separate licensing than the other classes; or
- May be added to a Class A, B, C or any class of commercial driver license.

C. Commercial v. Non-Commercial Driver License

If the vehicle meets the weight requirement and falls under one of the following categories, a non-commercial Class A or B driver license is appropriate.

- Recreational vehicle driven for personal use
- Vehicle that is controlled and operated by a farmer and:
 - Used to transport agricultural products, farm machinery or farm supplies to or from a farm;
 - Not used in the operation of a common or contract motor carrier; and
 - Used within 150 miles of the person's farm
- Vehicle used exclusively to transport cotton seed modules or cotton burs
- Fire-fighting or emergency vehicle when used in an emergency
- Military or commercial vehicle used for military purposes by military personnel
- Vehicle owned, leased or controlled by an air carrier

D. Types of Driver License, Under 21

A minor under the age of 18 may be eligible for one of four types of driver license.

- (1) Learner license – Phase 1 graduated driver license (GDL)
- (2) Provisional license – Phase 2 GDL
- (3) Hardship license
- (4) Under 21

E. Learner License

A learner license is issued to applicants between the ages of 15 and 17 as Phase 1 of the graduated driver license program (GDL). The holder:

- Must be accompanied by a licensed driver who is at least 21 years old with at least one year of driving experience and sitting in the front seat;
- May not operate a motor vehicle with more than one passenger under the age of 21 who is not a family member;
- May not operate a motor vehicle between midnight and 5:00 a.m. unless it is necessary due to a medical emergency, to drive to work or to attend or participate in a school-related activity; and
- May not operate a motor vehicle while using a wireless communication device (except in the case of an emergency).

A learner license will say “Learner License” on the face of the card.

F. Provisional/Under 18 License

A provisional license is issued to applicants who are 16 to 17 years of age who have:

- (1) Completed the necessary driver education and
- (2) Passed the knowledge and skills exams.

The holder:

- May not operate a motor vehicle with more than one passenger under the age of 21 who is not a family member;
- May not operate a motor vehicle between midnight and 5:00 a.m. unless it is necessary due to a medical emergency, to drive to work or to attend or participate in a school-related activity; and
- May not operate a motor vehicle while using a wireless communication device (except in the case of an emergency).

A provisional license:

- Will say “Provisional License” on the face of the card
- Is printed in vertical format
- Expires on the holder’s 18th birthday
- Must be renewed in person

G. Under 21 License

An under 21 license is issued to applicants between the ages of 18 and 20 and:

- Will say “Under 21” on the face of the card
- Is printed in vertical format
- Issued for 6 years but eligible for replacement on 21st birthday

H. Hardship License

A hardship license is issued to applicants who are between 15 and 18 years of age who have established the necessity to drive. To establish the necessity to drive, the applicant must demonstrate:

- Unusual economic hardship for the family, such as:
 - The applicant is married and maintains a separate household apart from the parent or guardian;
 - The applicant is the head of a household other than as a married person;
 - The applicant has dependent children and must drive to ensure the welfare of the children;
 - The applicant is the only person eligible for a driver license in the household;
 - The applicant is the only person eligible for a driver license other than the head of the household, the head of the household is absent from the residence for sustained periods of time due to work and licensing of the applicant is necessary to sustain the household;
 - The applicant attends school and must work to provide basic necessities for the family, other family members must be absent from their employment to transport the applicant to or from work and other means of transportation are not available;
 - The applicant needs transportation to and from school, and neither a school bus nor public transportation is available. Travel to participate in school activities such as sports or band is not sufficient reason to establish an unusual economic hardship; or
 - The applicant must drive in order to assist in essential farming or ranching activity which is the primary source of family income;
- Illness of a family member such that the applicant must drive to either provide medical care or sustain the household; or
- Enrollment in a vocational education program requiring the applicant to drive in order to pursue it.

The holder:

- May not operate a motor vehicle with more than one passenger under the age of 21 who is not a family member;
- May not operate a motor vehicle between midnight and 5:00 a.m. unless it is necessary due to a medical emergency, to drive to work or to attend or participate in a school-related activity; and
- May not operate a motor vehicle while using a wireless communication device (except in the case of an emergency).

A hardship license:

- Is printed in vertical format
- Expires each year on the holder's birthday
- Must be renewed in person

I. Graduated Driver License Program

Phase 1 (Learner License)

- If a learner license is suspended during Phase 1 of GDL, the initial six-month period increases by the number of days of the suspension.
- Phase 1 does not apply to an applicant with a Class M or hardship license.

Phase 2 (Provisional/Hardship License)

- Restricts driving privileges for individuals under the age of 18 during the 12 month period following the issuance of an original Class A, B, C or M provisional driver license.

Drivers under the age of 18:

- (Phase 1 only) must be accompanied by a licensed driver who is at least 21 years old and sitting in the front seat;
- May not operate a motor vehicle with more than one passenger under the age of 21 who is not a family member;
- May not operate a motor vehicle between midnight and 5:00 a.m. unless it is necessary due to a medical emergency, to drive to work or to attend or participate in a school-related activity; and
- May not operate a motor vehicle while using a wireless communication device (except in the case of an emergency).

J. Occupational License

An occupational license is a special noncommercial license issued upon authorization by a district, justice or county court when an individual's driver license has been suspended, revoked or denied (but not for a medical revocation). An occupational license may be used to drive to work, school or in the performance of household duties. It is typically issued for one year, but a court may authorize it for up to two years.

An applicant for an occupational license must submit to the Enforcement and Compliance Service:

- A certified copy of the petition and court order granting the occupational license, unless the individual is participating in a special drug court program;
- A *Financial Responsibility Insurance Certificate* (SR-22);
- The required fee; and
- Reinstatement fees.

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Date